

**Notice of Allowability**

Application No.

10/781,013

Examiner

Jaime M. Holliday

Applicant(s)

HAWE, WILLIAM

Art Unit

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed July 13, 2006.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see "REMARKS," filed July 13, 2006, with respect to **claims 1-3** have been fully considered and are persuasive. The Double Patent rejection of **claims 1-3** has been withdrawn.

### *Terminal Disclaimer*

2. The terminal disclaimer filed on July 13, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted to Application # 10/781013 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### *Allowable Subject Matter*

3. **Claims 1-3** are allowed.

4. The following is an examiner's statement of reasons for allowance:

Consider **claim 1**, the most relevant prior art of record, Cotanis (Pub # U.S. 2002/0042268 A1), fails to specifically show, disclose or suggest a program product for ascertaining a dynamic attribute of a wireless communications system, which comprises

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a computer readable medium having embodied a computer program that comprises each and every limitation claimed in independent claim 1.

Cotanis clearly shows and discloses a method for determining signal coverage for a wireless device. The method including, for example, receiving signal strength information for a signal; receiving location information representing a geographic location for one or more first locations; determining one or more local means based on the received signal strength information; estimating one or more second locations for the one or more local means based on the one or more first locations; transforming the one or more second locations into a route; and calculating the signal coverage for the route based on a signal coverage for at least one of the one or more second locations (paragraph 8). A system **100** for determining the signal coverage of a radio frequency transmitter includes an antenna **105**, a receiver **120**, a global positioning system (GPS) receiver **130**, a processor **140**, a storage module **150**, an input module **110**, and an output module **160**. The processor may include, for example, one or more of the following: one or more central processing units, a co-processor, memory, registers, and other data processing devices and systems as appropriate. Moreover, the processor may control the receiver and/or GPS receiver; collect and then store information provided by the receiver and/or GPS receiver; preprocess and/or process the collected information; estimate a statistic, such as standard deviation, based on the collected information; and determine the signal coverage of a radio frequency transmitter (program product for ascertaining a dynamic attribute of a system), (paragraphs 32 and 35).

Cotanis, however, lacks each and every claimed logic step for ascertaining a dynamic attribute of a wireless communications system; therefore claim 1 is novel and unobvious in view of Cotanis.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **EXAMINER'S AMENDMENT**

The application has been amended as follows:

Insert in first line of specification:

This application claims benefit of 60/449,602 02/24/2003 and claims benefit of 60/466,448 04/29/2003 and claims benefit of 60/472,320 05/21/2003 and claims benefit of 60/472,239 05/21/2003.

#### ***Conclusion***

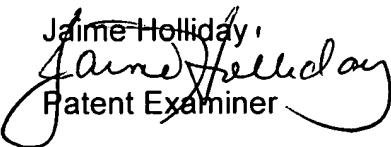
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571) 272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER

Jaime Holliday,  
  
Patent Examiner